

United States District Court

for

WESTERN DISTRICT OF TEXAS

Amended Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Trinity Duke Smith

Case Number: A-14-CR-003(01)-LY

Name of Sentencing Judicial Officer: Honorable Sam Sparks, Senior U.S. District Judge

Date of Original Sentence: April 22, 2014

Original Offense: Possession with Intent to Distribute Cocaine Base, in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

Original Sentence: One Hundred (100) months' custody to run consecutively to the sentence imposed in Docket No. A-08-CR-060(01)SS for a total of One Hundred Twenty-Four (124) months' custody in the Bureau of Prisons, followed by four (4) years of supervised release. Special conditions include: substance abuse treatment, mental health treatment, refrain from alcohol use and all other intoxicants, financial disclosure, and \$100 special assessment fee (satisfied).

Type of Supervision: Supervised Release

Date Supervision Commenced: December 11, 2020

Assistant U.S. Attorney: Mark H. Marshall

Defense Attorney: Jose I. Gonzalez-Falla (AFPD)

PREVIOUS COURT ACTION

On November 25, 2019, the defendant's sentence was reduced to 76 months' custody in the Bureau of Prisons.

On September 28, 2021, the case was re-assigned to the docket of U.S. District Judge Lee Yeakel.

On October 1, 2021, a Probation Form 12C was filed with the Court advising that the defendant was arrested on September 27, 2021, for Aggravated Assault with a Deadly Weapon in Cedar Park, Texas. A warrant was issued for the defendant's arrest.

PETITIONING THE COURT

☒ To issue a warrant

☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation of Mandatory Condition No. 1: "The defendant shall not commit another federal, state, or local crime during the term of supervision."

Nature of Non-compliance: According to a criminal complaint filed on September 24, 2021, officers with the Cedar Park Police Department responded to a call for service at the Baylor Scott and White Clinic, reference a victim who had been physical assaulted. Officers made contact with the victim, Ashley Johnson who advised officers that her ex-boyfriend Trinity Smith had assaulted her by strangulation, applying pressure to her nose so that she could not breathe, also pulling dragging her by her hair and kicking and stomping her.

Amended Petition for Warrant or Summons for
Offender Under Supervision
Page 2

She advised that she lost consciousness on more than one occasion. Smith left the residence and took a photograph of her vehicle license plate and advised if she reported this incident to anyone, he would kill her and her son. She reported the assault lasted approximately 2 hours.

On September 27, 2021, the defendant was arrested and taken into custody by the Cedar Park Police Department without incident for Aggravated Assault with a Deadly Weapon, under Case No. 21-1599-K277. *On October 14, 2021, the defendant was released on bond and released into federal custody. The case remains pending in Williamson County, Texas.*

Violation of Standard Condition No. 5: *"The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, other acceptable reasons."*

Nature of Non-compliance: *The defendant has been unemployed throughout the term of his supervision. Throughout his term, the defendant indicated several plans for self-employment opportunities but provided no follow up information.*

Violation of Standard Condition No. 11: *"The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer."*

Nature of Non-compliance: *Following the defendant's arrest on September 27, 2021, the defendant did not notify this officer of his arrest.*

U. S. Probation Officer Recommendation: Due to the nature of the instant offense, and the risk the defendant poses to the victim, a warrant is requested so that this violation can be addressed by the Court to determine if the defendant's term of supervised release be revoked.

Approved by,



Hector J. Garcia
Supervising U.S. Probation Officer

Respectfully submitted,



Miguel Rodriguez
U.S. Probation Officer
Date: November 23, 2021

Received by,



Daniel Castillo
Assistant U.S. Attorney

☒ recommends ☐ does not recommend Justification: _____

THE COURT ORDERS:

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ Other - The warrant remains in effect as of October 1, 2021



Honorable Susan Hightower
U.S. Magistrate Judge

Date December 1, 2021